

CITY OF HUNTINGTON BEACH

MEETING DATE: February 22, 2005

DEPARTMENT ID NUMBER: PL05-07

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: February 22, 2005	Department ID Number: PL05-07

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
PENELOPE CULBRETH-GRAFT, City Administrator

PREPARED BY: HOWARD ZELEFSKY, Director of Planning *[Signature]*

SUBJECT: APPROVE MITIGATED NEGATIVE DECLARATION NO. 03-08
(Good Shepherd Cemetery - Appeal)

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Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue:

Transmitted for your consideration is an appeal by the applicant, Mike Padian of Padian Team Consulting, of the Planning Commission's approval of Mitigated Negative Declaration No. 03-08. This application analyzes the potential environmental impacts associated with the proposed expansion of Good Shepherd Cemetery that includes the phased construction of a three-story mausoleum, a maintenance facility, one-story garden crypt buildings, and construction of perimeter fencing. Conditional Use Permit (CUP) No. 00-63 covers the proposed cemetery expansion.

The Planning Commission approved the Mitigated Negative Declaration (MND) on November 9, 2004 and continued CUP No. 00-63 to December 7, 2004. On November 19, 2004, the applicant filed an appeal of the Planning Commission's approval of the MND. The basis for the appeal is the mitigation measure that requires the on-site detention basins be designed with earthen slopes at a 5 to 1 slope ratio. There are no other mitigation measures that are being appealed by the applicant. On December 7, 2004, the Planning Commission approved CUP No. 00-63 with findings and conditions of approval. There were no appeals filed on the approval of the CUP by the Planning Commission. Planning staff recommended approval of the MND to the Planning Commission and is recommending the City Council approve the MND based on the revised mitigation measure and re-design of the detention basins.

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Funding Source: Not applicable.

Recommended Action:

A. PLANNING COMMISSION RECOMMENDATION:

Motion to:

"Approve Mitigation Negative Declaration No. 03-08 with findings and mitigation measures (5:1 slopes) (ATTACHMENT NO. 1)." **MOTION PASSED**

Planning Commission Action on November 9, 2004:

THE MOTION MADE BY SCANDURA, SECONDED BY STILTON, TO APPROVE MITIGATED NEGATIVE DECLARATION NO. 03-08, WITH FINDINGS AND MITIGATION MEASURES (ATTACHMENT NO. 1), CARRIED BY THE FOLLOWING VOTE:

AYES: THOMAS, SCANDURA, DAVIS, STILTON, LIVENGOD
NOES: NONE
ABSENT: NONE
ABSTAIN: RAY, DINGWALL

OR

B. STAFF RECOMMENDATION:

Motion to:

"Approve Mitigated Negative Declaration No. 03-08 with findings and modified mitigation measures (2:1 slopes) (ATTACHMENT NO. 2)."

Alternative Action(s):

The City Council may make the following alternative motion(s):

1. "Deny Mitigated Negative Declaration No. 03-08 with findings."
2. "Continue Mitigated Negative Declaration No. 03-08 and direct staff accordingly."

Analysis:

A. PROJECT PROPOSAL:

Applicant: Mike Padian, Padian Team Consulting, 14 Crucillo Dr., Ste. A, Rancho Santa Margarita, CA 92688

Location: 8301 Talbert Avenue (northeast corner of Beach Blvd. and Talbert Ave.)

PL05-07 Good Shepherd Appeal

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Mitigated Negative Declaration No. 03-08 analyzes the potential environmental impacts associated with the proposed expansion of Good Shepherd Cemetery. The expansion includes three phases over a seven to ten year period. The proposed improvements consist of an 85,000 square foot three-story mausoleum, a 10,000 square foot maintenance facility, one-story garden crypt buildings totaling 100,000 square feet, and construction of approximately 1,850 lineal feet of perimeter fencing (See Attachment No. 4). Please note the development project (CUP No. 00-63) approved by the Planning Commission and not appealed cannot be issued permits and constructed until such time as the project receives environmental clearance and approval of MND No. 03-08.

The major issue identified in the MND is on-site drainage. Currently two natural drainage swales are located in the area of the proposed development and serve as a detention basin for storm water runoff from the subject site and upstream development. Although the proposed development will not generate a substantial increase in water runoff, the historical volume of runoff detained in the two natural drainage swales during a large storm currently exceeds the capacity of the downstream storm drain system. The existing on-site drainage pattern will be altered based on the proposed improvements and therefore is required to mitigate the potential impact. A mitigation measure was proposed to provide two on-site detention basins with earthen slopes at a ratio not to exceed 5 to 1. The final size and design of the detention basins are subject to the review and approval of the Public Works Department.

B. PLANNING COMMISSION MEETING:

The Planning Commission held a public hearing on November 9, 2004. There were five residents who spoke at the public hearing. Three of the five residents who live to the north of the cemetery expressed concerns regarding flooding that has historically occurred in their neighborhood during large storms. These residents also raised concerns regarding the aesthetics along Newman Avenue with the proposed detention basins. The other neighborhood concerns regarding the project were considered in relation to the CUP. The applicant preferred vertical concrete walls and contested the mitigation measure that required detention basins to be designed with earthen slopes at a 5 to 1 slope ratio. The applicant stated the earthen slope design would require more land on-site and reduce the land available for future interment.

The Planning Commission approved Mitigated Negative Declaration No. 03-08 and continued Conditional Use Permit No. 00-63 to December 7, 2004. The MND was approved with the following mitigation measures:

- 1) On-site water detention basins shall be incorporated into the site design to temporarily detain runoff on the subject site.
 - a. Historical volumes using cross-sectional areas that are perpendicular to the longitudinal (N-S) centerline of each "historical" basin shall be calculated to identify the size of on-site water detention basins.

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- b. The design of the detention basins shall provide for earthen slopes not to exceed a 5:1 slope ratio.
- 2) All easements, storm drains, and detention facilities shall be designed per City and applicable County of Orange standards and approved the Public Works Department

On December 7, 2004, the Planning Commission approved the CUP with findings and conditions of approval. The CUP was not appealed.

C. APPEAL:

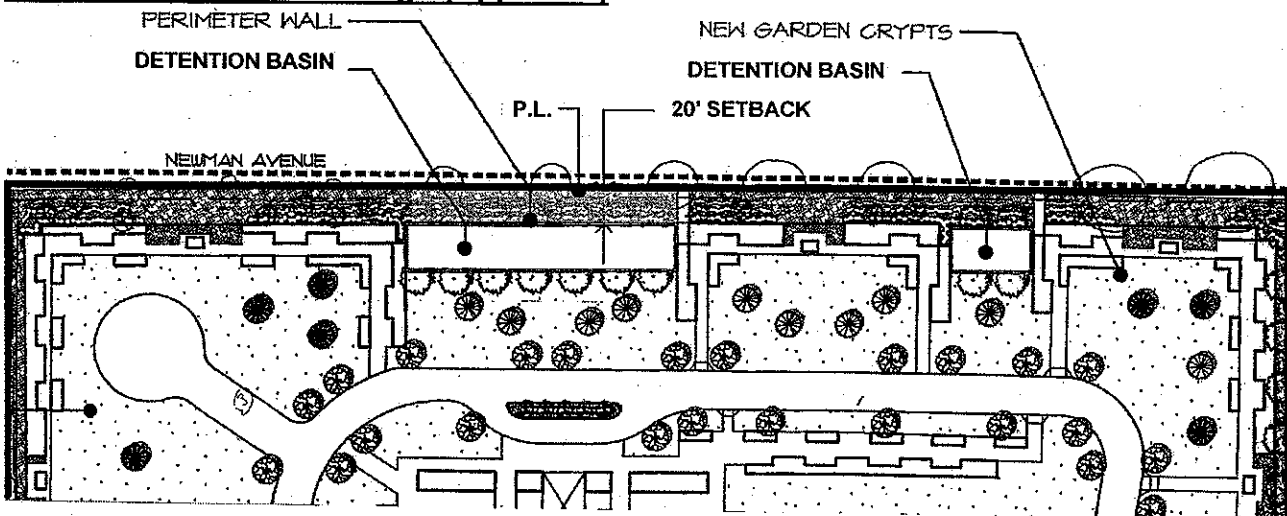
On November 19, 2004, the applicant appealed the Planning Commission's approval of Mitigated Negative Declaration No. 03-08. The basis for the appeal is the applicant's objection to the mitigation measure and the required design of the detention basins with a 5 to 1 earthen slope. The mitigation measure would require more land on-site and reduce the land available for future interment (see Attachment No. 5).

D. STAFF ANALYSIS AND RECOMMENDATION:

The mitigation measure is required to mitigate the potential impacts associated with the proposed expansion of the Good Shepherd Cemetery. The project includes a three-story mausoleum, a maintenance facility, garden crypt buildings and perimeter fencing

The applicant's original proposal to address the mitigation measure consisted of two detention basins with vertical concrete walls located in-line with the garden crypt buildings along Newman Avenue. The basins were surrounded by six-foot tall concrete block walls and were setback 20 feet from the northerly property line. The detention basins were approximately 206 ft. by 57 ft. and 61 ft. by 37 ft. respectively. Exhibit 1 below illustrates the original design of the detention basins:

EXHIBIT 1 – Original Design (Applicant)



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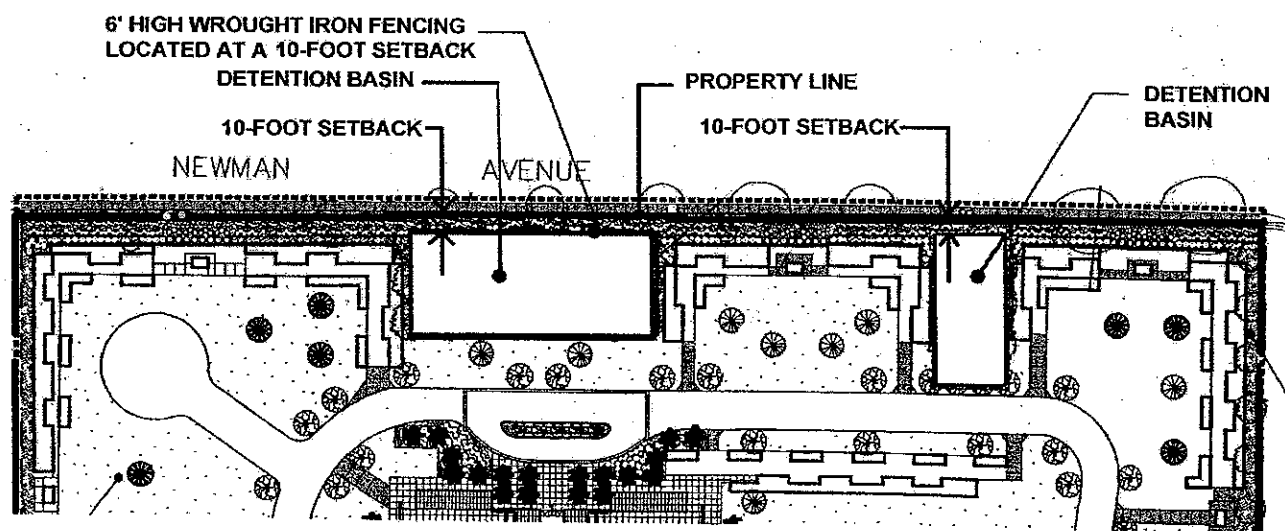
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The approved mitigation measure with the earthen slopes ensures that failing concrete walls, as proposed by the applicant, will not hinder future maintenance of the detention basins. The possible repair of the concrete walls could be difficult based on the location of the proposed improvements.

Subsequent to appealing the MND, the applicant met with staff on December 6, 2004. Several design solutions were discussed which represented a compromise between the design criteria outlined by the mitigation measure and the vertical concrete walls that were proposed by the applicant. The applicant has revised the design of the detention basins to incorporate earthen slopes at a 2 to 1 slope ratio in an effort to comply with the mitigation measure and the engineering requirements of the City.

The revised proposal consists of two detention basins in approximately the same location but at a minimum code required setback of 10 feet in lieu of the originally proposed 20 feet. The detention basins have increased in size to accommodate the 2 to 1 earthen slopes. The basins now measure approximately 197 ft. by 90 ft. and 60 ft. by 132 ft. respectively. The depth of the basins range between approximately 6.5 feet to 6.7 feet. As a result of the depths of the basins, a six-foot high wrought iron fence is required around the perimeter of the detention basins in accordance with the Uniform Building Code. The following exhibit illustrates the revised design:

EXHIBIT 2 – Revised Design



The bottoms of the detention basins will be planted with ground cover and the slopes will be landscaped with ground cover, low shrubbery, and trees. As shown in Exhibit 2, a perimeter wrought iron fence surrounds the detention basins.

Staff supports the revised mitigation measure based on the proposed design of the detention basins with earthen slopes. The revised mitigation measure is consistent with the findings of the MND and the CUP and will provide a compatible and aesthetic design solution consisting

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of wrought iron fencing and landscaping. The design will also facilitate future maintenance of these facilities while mitigating the potential impacts associated with the development project and the storm water runoff from upstream developments. The applicant also concurs with the revised mitigation measure and design. The final size and design of the detention basins will be based on a hydrology study submitted by the applicant and subject to review and approval of the City

Environmental Status:

The project's potential environmental impacts are analyzed under Mitigated Negative Declaration No. 03-08. Staff determined that the proposed development, with mitigation, would not have any significant environmental effects and that a mitigated negative declaration is warranted.

Attachment(s):

City Clerk's Page Number	No.	Description
7	1	Planning Commission - Recommended Findings and Mitigation Measures
10	2	Planning Department - Recommended Findings and Modified Mitigation Measures
13	3	Mitigated Negative Declaration No. 03-08
39	4	Minutes from the Nov. 9, 2004 Planning Commission Meeting
48	5	Planning Commission Staff Report Dated Nov. 9, 2004
92	6	Appeal letter from Applicant dated Nov. 19, 2004
99	7	PowerPoint Presentation

RCA Author: PD/HF

* ATTACHMENTS AVAILABLE IN
CITY CLERK'S OFFICE

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